

Remarks:

This amendment is submitted in an earnest effort to advance this case to issue without delay.

Entry of this amendment after final action is in order. All that is being done is that the subject matter of claim 4, which depended directly from independent claim 1, has been inserted into claim 1 and claim 4 has been canceled. In addition an obvious typographical error - "support" instead of "supply" - in the last paragraph of claim 1 has been corrected. Thus this amendment does not introduce any new issues or open up any new fields of search and corrects a purely (albeit not earlier noticed) formal problem. Thus entry after final action is by right.

With this system a grab 4 mounted at the end of arms 7 and 10 is used to pick blanks 3 from a supply 2 and deposit them on a support 11 that conveys them horizontally to an erecting station 5 where a plunger 13 erects them into a box. The whole point of this system is that the two-arm system is combined with horizontally shiftable support so that blanks of different sizes can be accommodated.

In the sole reference cited against the claims, French 2,166,749 assigned to Giraudet-Cartonnages, the system complies

with the admitted prior art in that it can only accommodate blanks of one size or of a very limited range of sizes. The reason for this is that the two-arm system of the French reference is actually a parallelogrammatic linkage that cannot be adjusted to swing through different arcs. The cams are of fixed size and the two arms are always going to move in the same manner relative to each other due to the parallelogrammatic action. As a result of this difference, the grab 35 on the end of the outer arm 37 moves through a predetermined path between a supply (21 in FIG. 3) and an erecting station/die 7 that is movable neither vertically nor horizontally.

Thus the error in the rejection is that the examiner is reading the stationary station/die 7 as a horizontally and movable support. Since it cannot move at all it is clear that the §102 rejection must be reconsidered and withdrawn.

In a system that is not intended to accommodate blanks of different sizes, there is no motivation to move the blank from the location where the grab sets it to the erecting station, so that provision of a horizontally and vertically movable support between the grab and the erecting station is not obvious, making a §103 rejection similarly impossible.

Finally it is noted that the examiner's official notice in paragraph 5 of the final action is not supported by any art, so that it is meaningless. A rejection cannot be based on an

unsupported allegation but, to quote Ex Parte Leavel (212 USPQ 763) must be "bottomed on a solid evidentiary basis."

Thus since the claimed structure is neither shown in nor suggested by the references, allowance of all claims and passage to Issue are in order.

If only minor problems that could be corrected by means of a telephone conference stand in the way of allowance of this case, the examiner is invited to call the undersigned to make the necessary corrections.

Respectfully submitted,
The Firm of Karl F. Ross P.C.


by: Andrew Wilford, 26,597
Attorney for Applicant

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5676 Riverdale Avenue Box 900
Bronx, NY 10471-0900
Cust. No.: 535
Tel: (718) 884-6600
Fax: (718) 601-1099

Enclosure: None.